IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim. Application No. 4421 of 2006

Sandeep Anant Putak ..Applicant

vs.

The State of Maharashtra ..Respondent

Shri A.P.Mundergi, Sr.Counsel with Shri Amol Patankar for applicant.
Shri Y.M.Nakhawa, A.P.P. for respondent State.

CORAM: S.C.DHARMADHIARI J.
15th December,2006

P.C.

1. Heard the learned Counsel.

2. The applicant has been arrested in connection with M.E.C.R.No.2 of 2005 registered by MRA Marg Police Station, Mumbai alleging offence of cheating and forgery. He has been arrested along with other accused. The arrest was effected on 31st October, 2006. The application for bail, upon remand to judicial custody, has been rejected and that is how the applicant is before me.

3. Shri Mundergi, learned Sr.Counsel appearing for the applicant, states that as far as this applicant is concerned he was at the relevant

time an employee of Income Tax Department and posted at Bandra, Mumbai. The main accused is supposed to have filed the income tax returns through the present applicant. Beyond this limited role, the present applicant has absolutely nothing in common with the other accused nor has he been accused of obtaining the loan from the concerned Bank or committing any default in repayment thereof. The documents based upon which the loan was granted are also not prepared by the present applicant. In such circumstances, and for the limited role the applicant deserves to be enlarged on bail.

4. In the morning session the matter was kept back to enable the learned A.P.P. to take instructions. The remand applications which are preferred on behalf of the respondent so also other material disclose that the present applicant has filed some income tax returns of one Bharat Shah and he had assisted the said Bharat Shah in filing such returns. Except this limited role the applicant has not played any part in other transactions. Hence, in the facts peculiar to the applicant, his case for enlarging him on bail even though investigation is in progress can be considered. The learned Additional Sessions Judge who was aware of this

limited role ought not to have rejected the application preferred by the applicant. The principle of parity cannot be applied in reverse way as has been done by the learned Additional Sessions Judge in this case. Hence, the following order.

(i) The applicant is directed to be released on bail in connection with M.E.C.R.No.2 of 2005 registered with MRA Marg Police Station, Mumbai on executing personal bond in the sum of Rs.15,000/- (Rupees fifteen thousand only) with one or two local sureties in the like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the MRA Marg Police Station once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter as directed by the Trial Court. The applicant shall deposit his passport, if any, with the Investigating machinery. The applicant shall not leave Mumbai without prior permission of the Trial Court.

(iv) The applicant shall disclose his place of

residence to the Investigating Officer as well as the Trial Court where he would stay after the release on bail and shall report to the trial court before he travel beyond the State of Maharashtra where he would ordinarily reside.

(v) The applicant shall cooperate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application stands disposed of.

(S.C.DHARMADHIKARI J.)